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*Attorneys for Defendants Salt Lake City and Officer Clinton Fox*

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**IN THE UNITED STATES DISTRICT COURT  
STATE OF UTAH, CENTRAL DIVISION**

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ESTATE OF PATRICK HARMON SR.;  
PATRICK HARMON II, as Personal  
Representative of the Estate of Patrick  
Harmon Sr., and heir of Patrick Harmon Sr.,  
TASHA SMITH, as heir of Patrick Harmon,  
Sr.,

Plaintiffs,

vs.

SALT LAKE CITY, a municipality; and  
OFFICER CLINTON FOX, in his individual  
capacity,

Defendants.

**VERIFIED MEMORANDUM OF COSTS**

Case No. 2:19-cv-00553-HCN-CMR

Judge Howard C. Nielson, Jr.  
Magistrate Judge Cecilia M. Romero

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Pursuant to DUCivR 54-2 of the Local Rules of Civil Practice, Defendants Salt Lake City Corporation and Officer Clinton Fox (collectively, the “Defendants”), by and through counsel, hereby submit this Verified Memorandum of Costs.

On August 21, 2023, judgment was entered in favor of Defendants dismissing all causes of action brought by Plaintiffs Estate of Patrick Harmon, Sr., Patrick Harmon II and Tasha Smith.<sup>1</sup> As such, pursuant to Rule 54(d)(1) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920, Defendants respectfully request that the following costs be taxed against Plaintiffs:

1. Fees for Transcripts Necessarily Obtained for Use in the Case – \$1,990.20

In this action, Plaintiffs took three depositions, which Defendants were required to defend. Defendants took two depositions of the two named Plaintiffs. All of the transcripts were included in the record before the Court on summary judgment. Copies of the invoices for the deposition transcripts are itemized and attached as Exhibit A to Defendants' Bill of Costs.

2. Court Costs – \$400.00

A \$400.00 filing fee was incurred to remove the case to federal court.

All told, Defendants incurred \$2,390.20 in taxable costs. Pursuant to 28 U.S.C. § 1924, verification of these costs is provided via Defendants' Bill of Costs<sup>2</sup> and the Declaration of Katherine R. Nichols, attached hereto as Exhibit 1.

DATED: August 31, 2023.

SALT LAKE CITY CORPORATION

/s/ Katherine R. Nichols  
Katherine R. Nichols

*Attorney for Defendants Salt Lake City and  
Officer Clinton Fox*

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<sup>1</sup> See ECF 105.

<sup>2</sup> See ECF 107.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of August 2023 a true and correct copy of the foregoing **VERIFIED MEMORANDUM OF COSTS** was electronically filed with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

Andrew G. Deiss  
Corey D. Riley  
DEISS LAW PC  
10 West 100 South, Suite 425  
Salt Lake City, UT 84101  
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Rathod | Mohamedbhai LLC  
2701 Lawrence Street, Suite 100  
Denver, CO 80205  
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*Attorneys for Plaintiff*

/s/ Carol Prasad

# **Exhibit 1**

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*Attorneys for Defendants Salt Lake City and Officer Clinton Fox*

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**IN THE UNITED STATES DISTRICT COURT  
STATE OF UTAH, CENTRAL DIVISION**

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ESTATE OF PATRICK HARMON SR.;  
PATRICK HARMON II, as Personal  
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TASHA SMITH, as heir of Patrick Harmon,  
Sr.,

Plaintiffs,

vs.

SALT LAKE CITY, a municipality; and  
OFFICER CLINTON FOX, in his individual  
capacity,

Defendants.

**DECLARATION OF  
KATHERINE R. NICHOLS**

Case No. 2:19-cv-00553-HCN-CMR

Judge Howard C. Nielson, Jr.  
Magistrate Judge Cecilia M. Romero

I, Katherine R. Nichols, declare and state as follows:

1. I am a Division Chief - Senior City Attorney with Salt Lake City Corporation and am counsel of record for Defendants Salt Lake City and Officer Clinton Fox (collectively, "Defendants").

2. The items set forth in Defendants' Bill of Costs and Verified Memorandum of Costs are true and correct, have been necessarily incurred in the defense of this action, and the services for which fees were charged were actually and necessarily performed.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: August 31, 2023.

SALT LAKE CITY CORPORATION

/s/ Katherine R. Nichols  
Katherine R. Nichols

*Attorney for Defendants Salt Lake City and  
Officer Clinton Fox*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of August 2023 a true and correct copy of the foregoing **DECLARATION OF KATHERINE R. NICHOLS** was electronically filed with the Clerk of Court using the CM/ECF system, which sent notification of such filing to the following:

Andrew G. Deiss  
Corey D. Riley  
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*Attorneys for Plaintiff*

/s/ Carol Prasad \_\_\_\_\_